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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,650	12/15/2000	Eric Cohen-Solal	US000395	1565

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 01/21/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/738,650

Applicant(s)

COHEN-SOLAL, ERIC

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. The specification (page 18, line 8) incorporates subject matter into this application, by referring to a US Application, however no application number is provided. Thus the examiner requests the applicant to provide the application number of the US application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2a. Claims 1-2, 6-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (AAPA).

In considering claims 1-2, 6-7 and 11,

*a) the claimed a display...* is met by AAPA (page 1, line 14 to page 3 line 6), where the AAPA states that prior art systems receive two streams and display a PIP on a primary image.

*b) the claimed a processor...* is met by AAPA where prior art systems automatically reposition the PIP in response to detected motion between one from of the video image and the next frame (page 2, line 18-21).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim, US 6,473,130.

In considering claims 1 and 6,

*a) the claimed a display...* is met by the display Fig 1 which displays both a main and sub-picture signal as shown (Fig 4A/B).

*b) the claimed a processor...* is met by detector 12, controller 14 and signal processor 13 which vary the brightness of the PIP image based upon the spatial complexity or temporal movement of the main picture signal (Fig 1, col 4, line 1-8).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4a. Claims 2 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US 6,473,130, Applicant's Admitted Prior Art in view of Rainville US 2002/0069411.

In considering claims 2 and 7-11,

Kim does not specifically address the position, display size or transparency of the PIP.

However, Kim does disclose a system which is able to discern the sub-picture signal from the main signal regardless of the motion (temporal movement) or spatial complexity of the main picture signal.

It is also conventional in the art to change a PIP display characteristic of an image to include the position of the PIP on the display and the display size of the PIP as disclosed by AAPA (pages 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim which discloses a PIP system which is able to maintain the display of the sub-picture in the event of temporal movement of the main picture, with AAPA by changing the position and/or size of the PIP based on the main picture signal, in order to provide the viewer a optimum display of one or more signals.

However, neither Kim nor AAPA disclose the changing the transparency of the PIP.

Although, the changing of the transparency of the PIP is conventional in the art, the examiner nonetheless incorporates Rainville et al., US 2002/0069411. Rainville discloses a system which renders the PIP image transparent in order to view the background image behind the PIP image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim and AAPA, which change the position and/or size of the PIP based on the main picture signal, in order to provide the viewer an optimum display of one or more signals, by also rendering the PIP transparent as done by Rainville in to provide the user the ability to see the entire background image when the changing of position and/or size of the PIP does not adequately display the main picture signal.

4b. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US 6,473,130 in view of Applicant's Admitted Prior Art.

In considering claims 3-5,

Kim does not disclose analyzing a continuous color/text portion and/or determining whether a person image is present on the primary image.

However, Kim does disclose a system which is able to discern the sub-picture signal from the main signal regardless of the motion (temporal movement) or spatial complexity of the main picture signal.

The analyzing of a picture signal in determining the cues (continuous color, text or person image being present) is conventional in the art, as disclosed by AAPA (page 10, line 20 to page 11, line 13; page 13, line 13-15; page 15, line 1-5; page 15 line 18 to page 16, line 10; and page 17, line 11-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim which discloses analyzing the main picture for temporal movement or spatial complications, with AAPA by analyzing the color, text, presence of a person in the main picture in order to adjust the display of sub-picture signal, in order to provide the viewer the ability to view the relevant portions of the main picture signal.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Part et al., US 6,069,669 discloses a video window control apparatus and method which displays a plurality of video windows on a TV or computer monitor at the same time, by controlling the position, size, overlap and PIP thereof;

Adams, US 5,541,662 discloses a system which controls the video and data display using associated data from the received stream (i.e. text, placement region, color (col 7, line 39-67).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

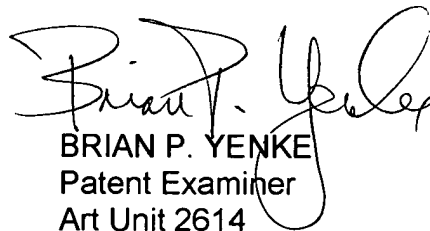
Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.

  
BRIAN P. YENKE  
Patent Examiner  
Art Unit 2614



B.P.Y

January 05, 2004